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Federal Rules Back Single-Sex Public Education

By [DIANA JEAN SCHEMO](#)
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WASHINGTON, Oct. 24— The Bush administration is giving public school districts broad new latitude to expand the number of single-sex classes, and even schools, in what is widely considered the most significant policy change on the issue since a landmark federal law barring sex discrimination in education more than 30 years ago.

Two years in the making, the new rules, announced Tuesday by the Education Department, will allow districts to create single-sex schools and classes as long as enrollment is voluntary. School districts that go that route must also make coeducational schools and classes of “substantially equal” quality available for members of the excluded sex.

The federal action is likely to accelerate efforts by public school systems to experiment with single-sex education, particularly among charter schools. Across the nation, the number of public schools exclusively for boys or girls has risen from 3 in 1995 to 241 today, said Leonard Sax, executive director of the National Association for Single Sex Public Education. That is a tiny fraction of the approximately 93,000 public schools across the country.

“You’re going to see a proliferation of these,” said Paul Vallas, chief of schools in Philadelphia, where there are four single-sex schools and plans to open two more. “There’s a lot of support for this type of school model in Philadelphia.”

Until now, Mr. Vallas said, there had been a threat of legal challenge that had delayed, for example, a boys charter school from opening in Philadelphia this September. New York City has nine single-sex public schools, most of which opened in the past four years.

While the move was sought by some conservatives and urban educators, and had backing from both sides of the political aisle, a number of civil rights and women’s rights groups condemned the change.

“It really is a serious green light from the Department of Education to re-instituting official discrimination in schools around the country,” said Marcia Greenberger, a co-president of the National Women’s Law Center.

Under Title IX, the 1972 law that banned sex discrimination in educational institutions that receive federal funds, single-sex classes and extracurricular activities are largely limited to physical education classes that include contact sports and to sex education.

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To open schools exclusively for boys or girls, a district has until now had to show a “compelling reason,” for example, that it was acting to remedy past discrimination.

But a new attitude began to take hold with the passage of the No Child Left Behind law in 2002 when women senators from both parties came out in support of same-sex education and asked the Education Department to draft guidelines to permit their growth.

The new rules, first proposed by the Education Department in 2004, are designed to bring Title IX into conformity with a section of the No Child Left Behind law that called on the department to promote single-sex schools.

The interest in separating boys from girls in the classroom is part of a movement to allow more experimentation in public schools.

Although the research is mixed, some studies suggest low-income children in urban schools learn better when separated from the opposite sex. Concerns about boys’ performance in secondary education has also driven some of the interest same-sex education.

Education Secretary Margaret Spellings described the changes as part of a greater effort to expand educational options in the public sector. “Every child should receive a high quality education in America, and every school district deserves the tools to provide it,” Ms. Spellings said.

She said that research supported offering single-sex education, and that the changes would not water down the protections of Title IX.

But Stephanie Monroe, who heads the Education Department’s office of civil rights, acknowledged the equivocal nature of the department’s own research on the issue.

“Educational research, though it’s ongoing and shows some mixed results, does suggest that single-sex education can provide some benefits to some students, under certain circumstances,” she said.

Although the changes announced Tuesday will not officially take effect until Nov. 24, school districts, including in New York City, had anticipated the new rules and some opened single-sex schools on the presumption of today’s changes.


Kelly Devers, a spokeswoman for the New York City schools, said the system’s lawyers planned to examine the rules to see how they expanded options for principals. Until now, public school districts that offered a school to one sex generally had to provide a comparable school for students of the other sex. The new rules, however, say districts can simply offer such students the option to attend comparable coeducational schools.

Critics argue that the changes contradicted the intent of Title IX and would not withstand a legal challenge — a point Education Department officials disputed.

Nancy Zirkin, vice president of the Leadership Conference on Civil Rights, an umbrella organization representing about 200 civil rights groups, said the new regulations “violate both Title IX and the equal protection clause of the Constitution.”

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“Segregation is totally unacceptable in the context of race,” she said. “Why in the world in the context of gender would it be acceptable?”



The [American Civil Liberties Union](#) signaled it might consider going to court. “We are certainly in many states looking at schools that are segregating students by sex and considering whether any of them are ripe for a challenge,” said Emily Martin, deputy director of the Women’s Rights Project at the A.C.L.U..



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Tom Carroll, chairman and founder of the Brighter Choice Charter School for Boys and the Brighter Choice Charter School for Girls in Albany, said the new regulations gave greater legal protections to single-sex schools that had, until now, operated under the threat of lawsuits by such groups. “The A.C.L.U. now has a dramatically steeper hill to climb to upset the apple cart on single-sex schools,” Mr. Carroll said.

He said his schools’ research showed boys were stronger in math and girls were stronger in literacy. But in recently released test scores, he said, his schools did better than any other public schools in Albany. “Paradoxically, by educating them separately,” he said, “we were able to do much to reverse the gender gaps that typically leave girls behind in math and boys behind in literacy.”

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